

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL JACKSON

Plaintiff,

**AMENDED
COMPLAINT**

15 CV 07383 (KAM) (LB)

-against-
CORRECTION CAPTAIN W. SPENCER
CORRECTION OFFICER R. MONTINER Shield # 14999
CORRECTION OFFICER B. MAHARAT Shield # 17442
in their individual capacity

Defendants.
-----X

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ SEP 15 2016 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL JACKSON

Plaintiff,

[Insert full name of plaintiff/prisoner]

AMENDED

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

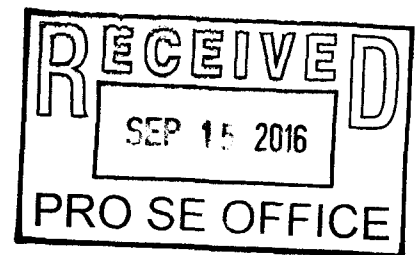
JURY DEMAND

YES ☒ NO ☐

-against-

Correction Captain W. Spencer
C.O. R. Montino shield # 14999
C.O. B. Maharaj shield # 17442
in their individual capacity

Defendant(s).



[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff MICHAEL JACKSON

If you are incarcerated, provide the name of the facility and address:

BARE HILL CORRECTIONAL FACILITY

181 BRAND ROAD, CALLER BOX #20

MALONE, NY 12953

Prisoner ID Number: 17A1563

If you are not incarcerated, provide your current address:

N/A

Telephone Number: _____

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

W. Spencer
Full Name
CORRECTION CAPTAIN
Job Title
17-17 HAZEN Street
EAST ELMHURST, NY 11370
Address

Defendant No. 2

C.O. R. Montinor Shield # 14999
Full Name
Transportation Dept Driver
Job Title
17-17 HAZEN Street
EAST ELMHURST, NY 11370
Address

Defendant No. 3

C.O. B. Maharaj Shield # 17442
Full Name
Transportation Dept Bus Matron
Job Title
17-17 HAZEN Street

EAST ELmhurst, N.Y. 11370
Address

Defendant No. 4

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? Court bus # 364B on the westbound side of the Brooklyn Queens Expressway and The Brooklyn Supreme Court Building

When did the events happen? (include approximate time and date) August 8th 2014
Between 6:30 and 7:00 AM

Facts: (what happened?) On August 8th 2014 between 6:30 and 7:00 AM

I was involved in a accident on Bus # 364 B on the Westbound side of the Brooklyn Queens Expressway. At the time of the accident defendants C.O. R. Montinor Shield # 14999 was the driver and C.O. B. Maharaj Shield # 17442 was the bus Madron. At the point of impact I was thrown from my seat into the cage in front of me causing me to hit my head and right shin on the gate. At this point I was dizzy with an extreme headache and extreme pain in my lower back and right shin.

I immediately after I hit the cage I yelled out to both defendants letting them know that I was injured and I need Medical attention. Both defendants knew I was talking to them because I saw B. Maharaj looking directly at me while R. Montinor was looking in the rearview mirror above his head. Both defendants chose to ignore my cries for help and R. Montinor continued to drive after the accident.

After about a minute or so of driving, defendant R. Montinor pulled the bus over at the Northern Blvd exit on the expressway and both defendants exited the bus. From where I was sitting I could see R. Montinor and B. Maharaj inspecting the damage done to

(SEE ATTACHED)

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

I sustained injuries to my right shin, lower back, neck and head. While on Rikers Island I received Tylenol, Robaxin and I took X-Rays. When I got back to Clinton C.F. I went to Physical Therapy for 12 weeks, took X-Rays, M.R.I of my lower back, Ibuprofen 800 mg, Naproxen 375 mg, epidural steroid injections every 4 weeks. I have central and right lateral disc herniation with diffuse disc bulge. I have pain in both hips and Sacral area. Pain also radiates to

both sides of the lower extremities with numbness and tingling sensation. I have to walk with a cane due to the pain in my legs. I now suffer from Chronic Pain in my lower back and degenerative disc disease. I also received Right and Left Sacral muscle injections every 4 weeks with epidural injections.

III. Relief: State what relief you are seeking if you prevail on your complaint.

Plaintiff seeks Compensatory damages and Punitive damages in the amount of \$1,000,000 (ONE MILLION Dollars) For Future Medical expenses, Pain and Suffering (past, present and future), Permanent disability Plaintiff's cost in this suit and any additional relief this court deems Just, Proper, and equitable.

I declare under penalty of perjury that on September 6th, 2016 I delivered this
(date)
complaint to prison authorities at Bare Hill Correctional Facility to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 9/6/16

Michael Jackson 12A1563
Signature of Plaintiff

BARE HILL CORRECTIONAL FACILITY
Name of Prison Facility or Address if not incarcerated

181 BRAND ROAD, CALLER BOX #20
MALONE, NY 12953

Address

12A1563
Prisoner ID#

(2)

the side OF the bus. After B. Maharaj and R. Montinor Finish inspecting the damage they both boarded the bus. At this Point I was able to get both defendants attention letting them know that I had hit my head on the gate and my head was hurting. I then asked both defendants to please take me to the hospital because I was in pain. Defendant R. Montinor in fact wrote on the "Injury to Inmate" report the location where the injury took place as "BOE Westbound" and stated in the Second Sentence OF the report that "While driving bus #36413 went Brooklyn Supreme Court when Jackson Michael B/c 8751401157 Claimed injury" See "Injury to INMATE" report attached to complaint. Defendant R. Montinor was fully aware I was asking him directly for help while I was on the bus. After telling R. Montinor and B. Maharaj for the second time I was injured and I wanted to go to the hospital my request was again ignored by both defendants. Instead R. Montinor and B. Maharaj both sat back in their seats and R. Montinor continued to drive the bus. While we were driving the pain in my body became worse due to the bumpy ride on the bus. As the pain became unbearable I kept asking R. Montinor and B. Maharaj to please take me to the hospital because I was in a lot of pain. I complained to R. Montinor and B. Maharaj for the duration of the trip with no response from either defendant. When the bus arrived at the court R. Montinor and B. Maharaj both exited the bus and went inside the office. When R. Montinor returned to the bus he started unlocking the cages letting the inmates off the bus one by one. When R. Montinor got to my cage I spoke to him directly. I told R. Montinor that I was in extreme pain and I want to go to the hospital. R. Montinor looked at me but didn't say anything. I then told R. Montinor that I could not stand up because my body was hurting. R. Montinor proceeded to grab me by the arm to help me up because I had trouble standing up from my seat. He then helped me down the stairs OF the bus because I was limping. R. Montinor then helped me walk to the entrance where B. Maharaj was standing waiting for us. As we approached B. Maharaj at the entrance I spoke to him directly. I told him that I got injured in the accident and I want to go to the hospital. Could he please call an ambulance because I am in pain. OVER

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B. Maharaj looked at me but he didn't say anything. Instead B. Maharaj helped R. Montinor escort me to the back where the holding pens are. After I got inside the holding cell R. Montinor removed my handcuffs and closed the cell and both defendants left the area. While I was in the cell I had a chance to pull up my pants leg and look at my shin. When I looked I noticed I had a bruise that turned black and blue. I was in the holding cell for 15 minutes when a Court Officer came to get me to take me to Family Court. When the Court Officer came he opened the cell and called my name. I told the Court Officer that I could not move because I was in a lot of pain. I told him the bus I rode in was in an accident on the expressway then I showed the Court Officer the bruise on my right shin. I asked him to please call an ambulance for me because I want to go to the hospital. The Court Officer then left for like 5 minutes then he came back. When the Court Officer came back he told me to go with him. The Court Officer had to help me walk because I was limping. The Court Officer took me back to the entrance and turned me back over to C.O. R. Montinor and C.O. B. Maharaj. B. Maharaj then helped me back on to the bus and put me back in the cage I was seated in at the time of the accident. B. Maharaj then asked me what was the problem. I told him that I told the Court Officer that R. Montinor hit the wall on the expressway and I got hurt in the process. I told him that I told the Court Officer that I wanted to go to the hospital because I was in a lot of pain and that is why the Court Officer brought me back out to you. B. Maharaj then caught an attitude with me and started being very disrespectful towards me. B. Maharaj stated to me "I don't know what you trying to do but I don't respect one bit" B. Maharaj also stated to me "Stop F--king Faking Cause nothing is wrong with you." B. Maharaj then left the bus. He came back 5 minutes later with an incident report for me to fill out. After I filled out the report I gave it back to him. At this time R. Montinor is sitting in the drivers seat. When I gave B. Maharaj the incident report back he took it back to his seat and started reading it to R. Montinor. I knew he was reading the report because he

④

Kept asking me "what is this word you wrote?" As B. Maharai read the report both defendants laughed at the things I wrote. B. Maharai then stated to R. Montinor "This dude is F---KING CRAZY!"

B. Maharai talked about me to R. Montinor while I was sitting there. B. Maharai and R. Montinor had me sitting in a hot bus in the garage which is located in the basement of the court building. I sat in that seat for a very long time in pain waiting for both defendants to do something to help me. While we were sitting there I asked both defendants what was going on. R. Montinor stated "we are waiting for our supervisor to come." After a few more minutes of waiting a D.O.C. vehicle pulled up next to the bus in the garage. As we continued to wait I noticed B. Maharai and R. Montinor talking to the person inside the vehicle. After both defendants spoke to this person he came on board the bus and spoke to me. The person who was talking to me never introduced himself to me he just called my name and started asking me questions. I took this person to be R. Montinor and B. Maharai Supervisor because he had a white uniform shirt on. I told this person what happened then I asked this person when I would be going to the hospital. He stated "once I figure out what's going on then I'll see what I can do." From that point on I continued to wait on the bus in pain. I waited a very long time for B. Maharai and R. Montinor to return to the bus. Once the defendants returned they took their seats and R. Montinor started the bus and got prepared to leave. As R. Montinor was backing out B. Maharai stated to R. Montinor "Drive slow because you don't want to aggravate his injury." B. Maharai was fully aware of how serious my injury was because he warned R. Montinor not to drive fast and to take his time going to our next destination or my injury could be made worse. After a few minutes of driving we arrived at a Brooklyn House. When we got there R. Montinor helped me off the bus and into the facility. Once inside I was locked in a cell. After several minutes of waiting I was finally moved upstairs to medical. Once we arrived at medical B. Maharai went and spoke to a female wearing a white uniform shirt. I was escorted to a waiting area by R. Montinor. After a few minutes of waiting the doctor called me into

(5)

the room. B. Maharai helped me walk into the room. As we entered the room B. Maharai stated to the doctor "we have to hurry up and get him out of here because he has to go to court this morning."

B. Maharai then stated to me "you're not staying here, you can't stay here, you have to go back to court." B. Maharai was a big influence on the doctor because he kept coming in the room talking to the doctor while the doctor was examining me. My examination and treatment was rushed because B. Maharai kept asking the doctor was he finished with me. Things I told the doctor that was hurting me he did not make a note of it because he was rushing to get me out of there.

After the doctor was done he gave me some pills (Tylenol and Robaxin) and I was taken back to court. 4 days later medical sent me to take an X-Ray. After that I was sent back upstate to Clinton Correctional Facility with no further treatment from Rikers Medical staff.

When I got back to Clinton Correctional Facility I had to go to medical because my condition became worse after I left Rikers Island.

It was Clinton Medical staff that sent me to get more treatment for my injuries. I am still receiving treatment at the facility I am in now. Defendants R. Montinor, B. Maharai and W. Spencer's deliberate indifference to Plaintiff Michael Jackson's serious medical needs violated Plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution. This caused Plaintiff Michael Jackson physical injury, pain and suffering.

At the time of the accident there was about 10 to 12 passengers on board.

I only knew one passenger Lamar Mack #1482570.

Command: <u>Transportation</u>	Date: <u>8/8/2014</u>	COB/NOF #:	Injury # <u>FYIS 031</u>
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BE COMPLETED BY EMPLOYEE (PLEASE PRINT CLEARLY).

State Name (Last Name, First Name): Jackson, Michael

Station: <u>B-2 West Bound</u>	Work:	NYSID #: <u>07962398</u>	Book & Case/Sent #: <u>8751401157</u>
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Details: On August 8, 2014, I, C.O. Montano, Shield #14955 assigned to the Transportation Division working Brooklyn 5 run on the route 1331 tour while driving Bus 3043, went Brooklyn Supreme Court when Jackson, Michael (aka 8751401157) claimed Injury. Nothing further to report.

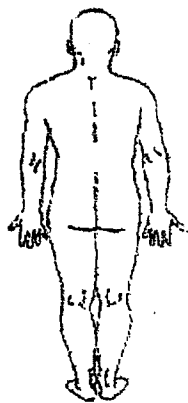
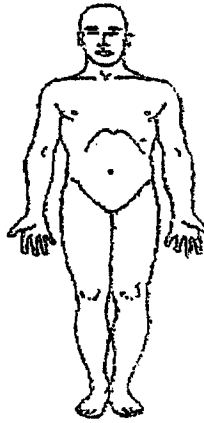
Supervisor Notified (Print Last Name, First Name, Rank, Shield #): <u>Richman SA</u>	Date: <u>08/08/2014</u>	Time: <u>07:15</u> Hrs.
Employee: <input type="checkbox"/> (Did) <input checked="" type="checkbox"/> (Did Not) Witness This Injury.	Employee Signature: <u>[Signature]</u>	Rank/Title: <u>C.O.</u>
		Shield/ID#: <u>14999</u>

TO BE COMPLETED BY MEDICAL STAFF ONLY - (PLEASE PRINT CLEARLY)

Date of Injury: <u>8/8/14</u>	Reported for Medical Attention: <u>08/08/14 10:50</u> Hrs.	Inmate Refused Medical Attention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Visible Injuries: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Nature of Injury and Cause: It brought by Doc for seen involve in MVA this AM. He Clo Pain Anterior Right Tibial, Frontal Head and Lower Back. VS noted mild elevated BP: 145/90. 16.48.0.
Exam. Head: No Edema, Swelling or Bruising. C.V.S. Normal Lung Clear, Sack Mild Pain Reported.
 Treatment: Low Back Area - Neuro. Ch. II - XTRA
MVA with leg contusion and back pain - Pain Med.

Medical Staff Must Note Location of Injury:



Treated By/Examined By (Print and Sign Full Name): <u>Jan Gulesky</u>	Title: <u>[Signature]</u>
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Referrals to Other Medical Services (If Yes, Document Medical Findings): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Treated By/Examined By (Print and Sign Full Name):	Title:
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Please Check Disposition:	<input type="checkbox"/> Return to Housing Area	<input type="checkbox"/> Work Release _____ Days	<input type="checkbox"/> Light Duty _____ Days	<input type="checkbox"/> Return to Work Assignment	<input type="checkbox"/> Re-Exam _____ Days	<input type="checkbox"/> Refer to Clinic	<input type="checkbox"/> Return to School
Transfer to Hospital (Indicate Name of Hospital):	<input type="checkbox"/> Life Threatening Emergency	<input type="checkbox"/> Routine					

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL JACKSON

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

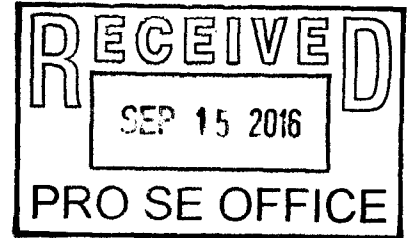
- against -

15 Civ. 07383 (KAM) (LB)

AFFIRMATION OF SERVICE

CORRECTION CAPTAIN W. Spencer
CORRECTION OFFICER R. Martinez, shield #14999
CORRECTION OFFICER B. Maharaj, shield #17412

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)



I, MICHAEL JACKSON, declare under penalty of perjury that I have
(name)

served a copy of the attached Amended Complaint
(document you are serving)

upon Pro-se Dept E.D.N.Y. whose address is U.S. District Court
(name of person served)

E.D.N.Y. 225 CADMAN PLAZA EAST, BROOKLYN, N.Y. 11201
(where you served document)

by BARE HILL Correctional Facility Mail (Legal Mail Service)
(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: Malone, N.Y.
(town/city) (state)

August, 6th, 2016
(month) (day) (year)

[Signature]
Signature

181 Broad Road, C/EE Box #20
Address

Malone, N.Y. 12953
City, State

12953
Zip Code

Telephone Number

MICHAEL JACKSON 12A1563

BARE HILL CORRECTIONAL FACILITY
CALLER BOX 20, 181 BRAND ROAD
MALONE, NEW YORK 12953

BARE HILL



CORRECTIONAL FACILITY



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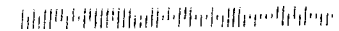
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EASTERN DISTRICT OF NEW YORK
225 CADMAN PLAZA EAST
BROOKLYN, NY 11201

Attn: PRO-SE Department

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